

VILLAGE OF ALMONT

ORDINANCE NO. 172

An Ordinance to prohibit certain animals; to regulate the possession, care, and control of animals within the Village; and to provide penalties for violations.

THE VILLAGE OF ALMONT ORDAINS:

SECTION 1. DEFINITIONS.

Animal Control Department. The County of Lapeer Animal Control Department.

Attack. Any action by an animal, which places a person in danger of immediate bodily harm.

Owner. The person, firm, or corporation owning, having an interest in, or having permanent or temporary control, custody, or possession of any animal.

Potentially Dangerous Animal. Any animal which, when unprovoked, has once actively pursued, attacked, bitten, or otherwise caused a less severe injury than a Substantial Injury (as hereinafter defined) to another person engaged in lawful activity or to another domestic animal.

Substantial Injury. A substantial impairment of the physical condition of a person or domestic animal, which requires professional medical or veterinarian treatment, including, but not limited to, loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, muscle tears, disfiguring lacerations, punctures, or a wound requiring multiple sutures, or any injury requiring corrective or cosmetic surgery.

Secure Enclosure. A fence or structure suitable to prevent the entry of young children or any part thereof, and which is suitable to confine a Potentially Dangerous Animal or Vicious Animal in conjunction with other measures, which may be taken by the Owner of the animal, or at the direction of the Village, the Animal Control Department, or a judicial authority. The enclosure shall be designed to prevent the animal from escaping and from preventing an adult or child from coming in contact with the animal. (A chain where a person can walk within the length of the chain, or an electric collar or invisible fence is not a sufficient restraint or enclosure.)

Vicious Animal. Any animal which, when unprovoked, has once attacked, bitten, or otherwise caused injury to a person or animal engaged in lawful activity, resulting in death or Substantial Injury; or

Any animal, which has previously been declared a Potentially Dangerous Animal, continues the behavior or the Owner has failed to restrain the animal as so directed.

Village. The Village of Almont, its departments, and its employees.

SECTION 2. EXOTIC ANIMALS PROHIBITED.

No exotic animal shall be brought into the Village or kept, harbored or allowed to remain on any premises within the Village. For purposes of this ordinance, the term "exotic animal" shall include mammals, such as lions, tigers, panthers, cougars, ocelots, wolves, foxes, bears, or other mammals or non-mammals, which are ordinarily found in the wild or in zoos.

SECTION 3. LIABILITY FOR ANIMALS.

Any person with an animal licensed in his or her name or any person who keeps or harbors an animal within the Village shall be responsible and financially liable for any acts committed by said animal.

SECTION 4. DOG LICENSING.

No dog over three (3) months in age shall be kept or harbored within the Village by any person unless a currently valid dog license for the animal has been issued by the County of Lapeer. For purposes of this ordinance, the term "dog" shall include any canine animal.

SECTION 5. DOG NOISE.

No person shall keep or harbor any dog, which by loud or frequent barking, yelping, or howling, shall create a nuisance or disturb other persons in the peaceful enjoyment of their homes or property.

SECTION 6. NUMBER OF ANIMALS.

No more than three (3) dogs over six (6) months of age nor more than one (1) Potentially Dangerous Animal or Vicious Animal shall be kept, harbored, or allowed to remain on the premises of any one household. For purposes of this section, any building in which people regularly reside shall be considered a single household. The premises of a household shall include the residence, any outbuildings, and the land around the residence and outbuildings.

SECTION 7. ANIMAL MANURE.

Manure shall not be piled or otherwise stored in the open. Manure shall not be allowed to accumulate in such a manner that odors therefrom are noticeable beyond the property on which it is located.

SECTION 8. OWNER'S RESPONSIBILITIES

1. All dogs shall be kept on a leash at all times when beyond the Owner's property. No dog shall be allowed to run at large.
2. The Owner of a dog, which has not been classified as a Potentially Dangerous Animal or Vicious Animal, shall, at all times while the dog is on the Owner's property, keep such dog:

- A. On a leash securely attached to a fixed object; or
 - B. Inside an enclosed building; or
 - C. Inside a Secure Enclosure; or
 - D. Within the boundaries of an invisible fence.
3. The Owner of a dog, which has been classified as a Potentially Dangerous Animal or Vicious Animal, or which the Owner knows or should know to be a Potentially Dangerous Animal or Vicious Animal, shall, at all times while the dog is on the Owner's property, keep such dog:
- A. On a leash controlled by a person; or
 - B. Inside an enclosed building; or
 - C. Inside a Secure Enclosure. Such Secure Enclosure shall have secure sides and a secure top, and if it has no bottom secured to all sides, the sides shall be embedded in the ground to a minimum depth of two (2) feet.

SECTION 9. DECLARATION OF ANIMALS AS POTENTIALLY DANGEROUS OR VICIOUS

- 1. The Village or Animal Control Department shall classify Potentially Dangerous Animals and Vicious Animals. The Village or Animal Control Department may find and declare an animal potentially dangerous or vicious if it has probable cause to believe that the animal falls within the definitions set forth in Section 1. The finding must be based upon:
 - A. The written complaint of a citizen who is willing to testify that the animal has acted in a manner, which causes it to fall within the definitions of Section 1; or
 - B. Animal bite reports filed with the Village or Animal Control Department; or
 - C. Actions of the animal witnessed by any animal control officer or law enforcement officer; or
 - D. Other substantial evidence.
- 2. The declaration of a Potentially Dangerous Animal or Vicious Animal shall be in writing and shall be served on the Owner in one of the following methods:
 - A. Certified mail to the Owner's last known address; or
 - B. Personally; or
 - C. If the Owner cannot be located by one of the first two methods, by publications in a newspaper of general circulation.
- 3. The declaration shall state at least:
 - A. The description of the animal.
 - B. The name and address of the Owner of the animal, if known.
 - C. The whereabouts of the animal, if it is not in the custody of the Owner.
 - D. The facts upon which the declaration of Potentially Dangerous Animal or Vicious Animal is based.
 - E. The availability of a hearing in case the Owner objects to the declaration, if a request is made within 10 business days.
 - F. The restrictions placed on the animal as a result of the declaration of Potentially Dangerous Animal or Vicious Animal.
 - G. The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the Owner.

4. If the Owner of the animal wishes to object to the declaration of Potentially Dangerous Animal or Vicious Animal:
 - A. The Owner may request a hearing before the Village Manager, or the Village Manager's designee, by submitting a written request and payment of a \$25.00 administrative review fee to the Village of Almont within 10 business days of receipt of the declaration, or within 10 business days of the publication of the declaration pursuant to Section 9(2)(c).
 - B. If the Village Manager or the Village Manager's designee finds that there is insufficient evidence to support the declaration, it shall be rescinded, and the restrictions imposed thereby annulled.
 - C. If the Village Manager or the Village Manager's designee finds sufficient evidence to support the declaration, the Owner may appeal such decision to the Almont Village Council upon payment of a fee of \$75.00. Such appeal by the Owner to the Village Council shall be made in writing within 10 business days of the decision by the Village Manager or the Village Manager's designee.
 - D. The Owner may appeal any decision of the Village Council to the Lapeer County District Court within 20 business days of the Village Council's decision.
 - E. During the entire appeal process, it shall be unlawful for the Owner appealing the declaration of Potentially Dangerous Animal or Vicious Animal to:
 1. Fail to comply with Section 8(3) of this Ordinance while the animal is on the Owner's property; or
 2. Fail to comply with Section 8(1) of this Ordinance while the animal is beyond the Owner's property. The animal shall also be humanely muzzled while beyond the Owners' property.

SECTION 10. CONFINEMENT AND DISPOSITION OF POTENTIALLY DANGEROUS ANIMALS AND VICIOUS ANIMALS.

1. Following a declaration of Potentially Dangerous Animal or Vicious Animal and the exhaustion of any appeal therefrom, it shall be unlawful for the Owner of such Potentially Dangerous Animal or Vicious Animal to:
 - A. Fail to comply with Section 8(3) of this Ordinance while the animal is on the Owner's property; or
 - B. Fail to comply with Section 8(1) of this Ordinance while the animal is beyond the Owner's property. The animal shall also be humanely muzzled while beyond the Owners' property.
2. The Village, Animal Control Department, or a judicial authority may seize or impound a Vicious Animal and have it destroyed when it is found that the release of the animal would create a significant threat to the public health, safety, and welfare.
3. If it is determined that a Vicious Animal shall not be destroyed, the Village, Animal Control Department, or judicial authority shall impose conditions upon the Owner of the animal that protect the public health, safety, and welfare.
4. The Owner of a Potentially Dangerous Animal or Vicious Animal shall obtain and maintain liability insurance in the minimum amount of one hundred thousand dollars (\$100,000) and shall furnish a certificate or proof of insurance by which the Village shall be notified at least thirty (30) calendar days prior to cancellation or non-renewal of the policy.

SECTION 11. NOTIFICATION OF STATUS OF POTENTIALLY DANGEROUS ANIMAL AND VICIOUS ANIMAL.

1. The Owner shall immediately notify the Village when an animal, which has been classified as a Potentially Dangerous Animal or Vicious Animal:
 - A. Is loose or unconfined;
 - B. Has bitten a human being or attacked another animal;
 - C. Is sold or given away, or dies;
 - D. Is moved to another address.
2. Prior to a Potentially Dangerous Animal or Vicious Animal being sold or given away, the Owner shall provide the name, address, and telephone number of the new Owner to the Village. The new Owner shall comply with all of the requirements of this ordinance.

SECTION 12. ENFORCEMENT.

This ordinance shall be enforced by the Village Police Department, the Lapeer County Sheriff's Department, or the Lapeer County Animal Control Department.

SECTION 13. EXCLUSIONS.

This ordinance shall not apply to licensed kennels, humane society shelters, animal control facilities, or veterinarian facilities. This ordinance also shall not apply to dogs while utilized by any police department or any law enforcement officer in the performance of police work.

SECTION 14. PENALTY.

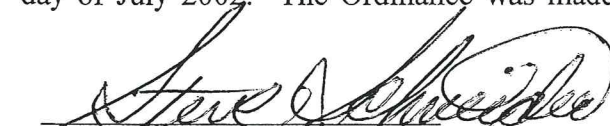
Any person who violates a provision of this ordinance shall be responsible for a municipal civil infraction, subject to payment of a civil fine of One Hundred (\$100.00) Dollars, plus costs for each infraction. Repeat offenses under this ordinance shall be subject to a Five Hundred (\$500.00) Dollar fine, plus costs for each infraction. Each day that a violation continues shall be deemed to be a separate offense.

SECTION 15. REPEAL.

The former Almont Village Ordinance No. 167 is hereby repealed.

The undersigned President and Clerk of the Village of Almont hereby certify that this Ordinance was adopted at a meeting of the Almont Village Council held on the 2nd day of July 2002 and was published in the *Tri-City Times* on the 10th day of July 2002. The Ordinance was made effective as of said date of publication.


Sally McGrea
Clerk


Steven Schneider
President